

ly given, that it is found by former experience, that no lighter penalty will be effectual. Is it found upon further experience that capital punishments are more effectual? Was the vast territory of all the Russias worse regulated under the Empress Elizabeth, than under her more sanguinary predecessors? Is it now under Catharine 2d, less civilized, less social, less secure? And yet we are assured that neither of these illustrious Princesses have, throughout their whole administration, inflicted the penalty of death—and the latter has, upon the full persuasion of its being useless, nay even pernicious, given orders for abolishing it entirely throughout her extensive dominions. Such is the testimony of an English Lawyer, a Judge of an English Court—a man who brings to the investigation of his subject, the powers of a strong and discriminating mind—a man of the deepest research, the most extensive and minute law knowledge—an acute observer of the springs of human action, and from his official situation must have been eminently qualified to judge of the effects of all the means employed by governments, not his own, but others, for the prevention of crime. And what testimony does he bear in the case? Why, after clearly intimating his own opinion that capital punishment is not necessary, he points to the experiment of another State, as affording ample proof of the correctness of his belief. This single authority—connected with the instance alluded to, we consider as a most triumphant refutation of the argument, that capital punishment, *more than any other*, deters from the commission of crime. But this opinion does not stand alone. The marquis Benaria, a Milanese General, is another authority to whom we would refer. His treatise on crimes and punishments had been published, and is referred to more than once by Justice Blackstone; and its powerful arguments no doubt had their influence upon the Judge's mind. So powerfully did they impress themselves on the mind of the Grand Duke of Tuscany, that he broke through all the fetters of his former prejudice and abolished capital punishments entirely. And what was the effect? If any where we may look to these old countries where the population is more dense and the distinctions of society greater, for a people that can be restrained by nothing but the fear of instant death. But not so in this case. Fewer murders perhaps occurred during the succeeding twenty years than was common—only five it is stated, for the whole term.

It was the doctrine of Beauria, as it now is of many others, that 'crimes are more effectually prevented by the certainty than the severity of punishment'—'The certainty of a small punishment will make stronger impression than the fear of one more severe, if attended with hopes of escaping.' If punishments be very severe, men are naturally led to the perpetration of other crimes. To the opinion of these gentlemen might be added that of many more, both in Europe and America, together with many facts and arguments in support of them, but the limits of this report will not permit.

We will now state, in short what we consider to be some of the principal objections to capital punishment. And in the first place, its moral tendency is believed to be bad. If Government give the example of setting lightly by human life, individuals will follow it. It is well observed by the Marquis Beauria, that cruel punishments have a hardening influence upon the mind. Severity in the laws excites bitter and revengeful feelings. It has been observed that those countries most remarkable for their cruel and sanguinary laws, are also remarkable for the frequency and atrocity of crime. Veneration and respect for the law can never be secured when the law is considered severe beyond necessity—on the contrary such a law will be viewed as an enemy, and feelings of a hostile character will rise against it.—By the indulgence of these feelings the mind becomes soured and depraved, and prepared for the commission of crime.

In the next place, there is much more weight in the consideration that men having committed crimes for which the penalty is death, often commit others to prevent detection.—Thus in countries where death is the penalty for robbery as well as for murder, we are told, the robbed is always sure to be murdered. While in countries a different penalty is provided for robbery, it is seldom accompanied by murder. The testimony of Pirates, taken and executed, is full to this point. Why are you so cruel as to murder the crews, we ask them, when you have robbed them of all they had? Because, if we are taken, you murder us, is the reply—and we do it to prevent detection. A rape and murder were once committed on a young female in Vassalboro'. Death was then the penalty in both cases. The man was apprehended convicted and executed. On confessing the whole—he was asked why he murdered the girl? Then was disclosed the startling fact,—'she begged of me, said he, to spare her life, I hesitated, but I knew I should certainly be hanged if she told of it, and she would tell of it if I did not kill her.' Nerved by this consideration, he applied the savage gripe to her throat and ended her earthly existence.

Another objection is, that so long as capital punishments are inflicted at all,

they must and will occasionally fall upon the innocent. In what proportion of the cases, it is impossible to say, but many have been ascertained. It is but recently, that two lives at least, in New England, have but just been saved by a timely discovery of the mistake. One in Vermont, where the murdered man arrived but the very day previous to the one appointed for the execution of his murderer. Another in Boston, where the man was tried and convicted, but was afterwards found innocent. These instances show that when suspicion becomes strongly excited, it is not all the guards and cautions which the law can throw around the prisoner that can always shield him from conviction though he be innocent. English history abounds in instances where rage and malice have been the chief instruments and the principal witnesses in procuring conviction and death. The term murder originally signified the secret killing of a person. A killing seen by no one and known to no one but the perpetrator of the act. It is now generally committed in a clandestine manner, and the perpetrator is hunted out and convicted by the force of circumstances. These can never amount to certainty, and hence there is always danger of convicting the innocent. But if death is the penalty, there is no rectifying the mistake, however clear may be the proof of innocence in after time. The deed is done, and the man is sent by a violent and ignominious death into the presence of his maker.—But who can estimate the injury to the wife and children—the parents, the brothers, and the sisters. Who would dare approach the forlorn and despairing wife, and attempt to soothe the deep anguish of her soul by a cold lecture on the possible utility of such a law in the prevention of crime? The children, the parents, the brothers, the sisters—language can only point to them, it has no power to describe their distress. What advantages are within the reach of imagination that could offset one such case there, are, no doubt—and many that are very similar to it, are on record.

Another objection is the difficulty of conviction when indicted for a capital offence. The very fact that innocent persons have been sometimes convicted, has a startling effect upon the Jury and the witnesses, and they will scarcely believe what is perfectly apparent. Hence the cunning rogue calculates his chances of acquittal should he be apprehended and tried. He knows that the law is considered the relic of past and less enlightened ages—that is but feebly supported by public opinion—that the moment a man is on trial for his life, the commiseration and sympathies of the people gather around him—that the utmost eloquence of the ablest counsel will be put forth in appeals to the best feelings of the heart and he thinks that all these influences must raise a doubt in the minds of the Jury, upon which doubt he may escape.

House of Representatives, March 16, 1835.

The bill having had three several readings in this House, and having been amended was referred to the next Legislature, and ordered to be published in all the newspapers that publish the laws of the State.

Sent up for concurrence.

JONA CILLEY, Speaker

In Senate, March 17, 1835.

Read once, and concurred.

JOSIAH PIERCE, President.

CHRISTIAN INTELLIGENCER.

—And truth diffuse her radiance from the Press.—

GARDINER, NOVEMBER 27, 1835.

During our absence at Hartford Ct. a letter was received from Br. T. J. S. of Pembroke, requesting explanations of certain passages of scripture. A respectful notice was given it by the printer at the time of its reception—and promised a further notice on the return of the Editor. That letter got mislaid, and it passed from our mind; we accidentally came across it a day or two since, and we hasten to fulfil the wishes of our good brother of P. hoping he will forgive us for our seeming neglect. The first passage he mentions is found in Matthew 26, 24.—"Woe unto that man by whom the Son of man is betrayed! it had been good for that man if he had not been born."

Our limitarian brethren with but few exceptions, are determined in their own minds to have Judas suffer the pains of a never ending hell, notwithstanding he gave good evidence of genuine repentance. He regretted his conduct, made all the restitution in his power—returned the thirty pieces of silver, and declared that he had betrayed innocent blood. What more could he have done? Nothing, and yet they must sentence Judas—to hell, while they give passports to heaven to many of their brethren, who have never shown evidence so satisfactory of their repentance as did Judas. But they ought to be reprimanded for misquoting the passage. We heard a minister a short time since repeat the passage thus, 'It would have been better for that man if he had never been born.' Now the alteration of the word *good* makes a great difference in the sense, and we always suspect that the individual is hard pushed when he is under the necessity of altering scripture phraseology in order to make it favor the doctrine he is advocating. Learned commentators of every denomination have written upon this text, and they have entirely failed to find evidence sufficient to prove the damnation of Judas, and they have candidly acknowledge it. The spirit of the Gospel most clearly forbids the infliction of any punishment having its foundation in a spirit of revenge.

3d. Government has no moral right to take life, unless it be very clear that the public safety imperiously demands it.

4th. The public safety in this State

does not demand the taking of life in time of peace, and hence we have no moral right to do it.

In accordance with these views, your committee recommend the total abolition of Capital Punishment, in all cases except Treason and misprison of Treason, and the substitution of imprisonment in State's Prison for life, as per bill accompanying this Report.

All of which is respectfully submitted.

J. R. ABBOT, *Per Order.*

STATE OF MAINE.

In the year of our Lord one thousand eight hundred and thirty-five.

AN Additional Act, providing for the punishment of crimes, and for the prevention thereof.

SECTION 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the laws of the State providing for the capital Punishment of certain description of offenders, be and hereby are so altered as to substitute in lieu of said punishment by death, confinement to hard labor for life in the State Prison.

SECTION 2. Be it further enacted, That when any person shall hereafter be convicted of any crime punishable with imprisonment for life, all contracts of whatever nature to which the person so convicted shall be a party, shall be affected changed, or annulled, in the same manner as they severally would have been by the death of the person so convicted.

The bonds of matrimony between the husband or wife, as the case may be, and the person so convicted, shall be dissolved;

the person so convicted shall cease to have any title to, or interest in his own estate real and personal, and the same shall be treated, be disposed of, and desecrated in all respects as if his actual death had taken place on the day when he was convicted as aforesaid; and all power and authority of whatever nature, which he might lawfully have or exercise over any other person or persons, shall from and after his conviction as aforesaid, cease and determine as if he were dead.

SECTION 2. Be it further enacted, That all acts, and inconsistent with the provisions of this Act, be, and the same hereby are repealed.

House of Representatives, March 16, 1835.

The bill having had three several readings in this House, and having been amended was referred to the next Legislature, and ordered to be published in all the newspapers that publish the laws of the State.

Sent up for concurrence.

JONA CILLEY, Speaker

In Senate, March 17, 1835.

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GARDINER, NOVEMBER 27, 1835.

beginning of the world. All things relate in this chapter were to take place in the generation, but the particular time no one knew not except the Father. It is considered by Commentators of every denomination that the tribulations spoken of were realized on earth, but many of them believe that which was to follow was more severe than those before mentioned. The sun and moon were darkened, and the stars to fall from heaven, and the powers of the heavens to be shaken, would take place at the end of the world; but Clark says that the word immediately shows that our Lord is not speaking of any distant event, but of something immediately consequent or calamities already predicted; and that must be the destruction of Jerusalem. Lightfoot comments on this verse. The Jewish heaven shall perish, and the sun and moon of its glory and happiness shall be darkened—brought nothing. The sun is the religion of the church; the moon is the government of state and the stars are the judges and tortors of both. In the prophetic language (Clarke) great commotions upon earth ten represented under the notion of commotions and changes in the heavens. The sun of Babylon is represented by the stars and constellations of heaven withdrawing the light; and the sun and moon being darkened. See Isaiah 13, 9, 10. The destruction of Egypt by the heaven being covered, the sun enveloped with a cloud, and the moon withholding her light. Ezekiel 32, 7. The destruction of the Jews by Antichrist Epiphanes, is represented by casting down some of the host of heaven, and the stars to the ground. See Daniel 8, 10. And the very destruction of Jerusalem is represented by the prophet Joel, chap. 2, 30, 31, showing wonders in the heaven and in the earth—darkening the sun and turning the moon into blood. This general mode of describing these judgements, leaves no room to doubt the propriety of its application to the present case. In the early ages of the world and in fact now, the falling of stars, those meteors which are called falling stars, by the common people, was deemed an omen of evil time. Dryden the poet has translated a passage of Virgil on this subject thus:

"And oft before tempestuous winds arise, The seeming stars fall headlong from the skies; And shooting through the darkness, gild the night, And sweeping glories, and long trails of light. The sun reveals the secrets of the sky, And who dares give the source of light lie? The change of empires often he declares, Fiercer tumults, hidden treasons, open wars, He first the fate of Cesar did foretell, And pitied Rome, when Rome in Cesar fell: In iron clouds concealed the public light, And impious mortals found eternal night."

People in general are too prone to this every thing written in the scriptures as a literal relation of facts. A great part of them are written in language highly figurative and metaphorical, and all these figures and metaphors were perfectly understood by the people at that age of the world. Some suppose that all the minutiae therein recorded are applicable to us of the present age, when in fact, we have nothing more to do with them than the winged inhabitants of the moon.

BOSTON ASSOCIATION.

The Boston Association of Universalists met according to adjournment in Stoughton, on the 4th inst. Br Hosea Ballou was chosen Moderator, and Br. B. Whittemore Clerk. The committee on letters of Fellowship and Ordination, reported in favor of granting such letters to Brs. David J. Mandel, Josiah W. Hallet, Joseph B. Morse and Horace W. Morse, and of conferring ordination on Br. Isaac Brown. Br. S. Streeter, L. R. Paige, and B. Whittemore, were chosen a committee to draft resolutions in relation to the death of Br Winslow W. Wright, who has been removed from this to a purer world since the last session of this Association. This committee reported as follows: Whereas, since the last session of this Association, it has pleased God to remove our well beloved brother, Winslow W. Wright, from his earthly labors: Therefore, Resolved, That we cherish a grateful recollection of the talents, virtues, and ministerial usefulness of our departed Brother; and that we deeply sympathize with his bereaved family in their affliction. Resolved, That the Clerk of this session communicate this resolution to the widow of our deceased Brother. Sermons were delivered by Br. S. Cobb, T. Whittemore and H. Ballou. The ordination services were as follows: Prayer by Br H. Bacon; Sermon by Br T. Whittemore; Ordaining prayer by Br D.D. Smith; Charge by Br. S. Streeter; Right hand of Fellowship by Br. L. R. Paige; Prayer by Br J. C. Newell; Benediction by Br J. Brown. Br Otis A. Skinner was appointed to preach the occasional sermon, at the next session of the Association; and Br J. M. Austin as substitute. Adjourned to meet in New Rowley, on the first Wednesday in November, 1836.

If the doctrine of endless misery were true we cannot be punished according to the

All things take place in regular time no longer. It is now every denominational man who is to follow the sun and moon to the heavens to be at the end of the world now. The word is not spoken of something calamities will be the destruction comments that heaven shall pass away of its glory again—through the religion of government of judges and political language upon earth are the notion of com-

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POETRY.

From the Sentinel and Star in the West.
THE ROSE IN AUTUMN.

It bloom'd a solitary flower;
Its kindred all had fled—
And in that lone, forsaken bower,
Its sweetest fragrance shed.

No summer sun's enlivening ray,
Smil'd on this blossom fair,
Nor dew-drops glittered on the spray,
The birth of milder air.

But there, 'neath cold autumnal skies,
Amid the dripping flood,
Arriv'd in beauty's fairest guise,
The little sufferer stood.

Though born beneath no friendly rays,
'Twas loveliest of its race;
It caught the passing traveller's gaze,
And won his fond embrace.

'Twas like to virtue, when the storm
Of envious hate assails,
To suffering innocence whose charm
O'er every one prevails.

I thought to take it from the spot,
To grace a power more fair;
But something whisper'd—'tuck it not!
I left it blooming there.

From the Herald of Truth.

REFLECTION ON DEATH.

What if your day were always bright,
Our sun forever high,—
No lowering, black and frowning night;
How could we bear to die?

What if our path were strewed with flowers,
No thorn was lurking by;
How could we leave our happy bowers
To lay us down and die?

'Tis better far that clouds rush on
And blacken all our sky;
Our hope is placed on Heaven alone,
And thus we learn to die!

DESULTORIOUS.

From the Christian Pilot.

MORE THINKING.

When I see a man approve of temperance drinking—keeping the spirits up by pouring spirits down, and advocate temperance in all things, I think they are in danger of becoming intemperate in all things, not being under the guidance of the intellect.

When I see persons who belong to the Temperance Society, indulge in the excessive use of wine, or of some other fermented liquors, and perhaps get intoxicated on public days, I think they had better have their names stricken from the temperance pledge, and if they must drink, drink ardent spirits, which will do the business in less time, and with less expense and brutality. I think too of the text, "they that be drunken are drunken in the night, and that not a few are drunken in the night," at the present time.

When I see temperance traders, sell considerable quantities of spirit, at a great bonus, on the applicants telling the pitiful story, "I want it for medicine, and furnish cider and wine for persons they know will brutalize themselves with it, I think they bring a reproach upon the cause of temperance, and give the licensed retailers of spirit just cause to say, "physician heal thyself. I deal more honorable than thou."

When I see retailers quit retailing spirit by the glass, and when called upon by their customers for the article, inform them that they do not retail it, but as you are an old customer, we will give you some, I think they are destitute of principle, and it reminds me of the power of the love of filthy lucre.

When I see a man, who is a strong advocate of the temperance cause—recommending a decided preference to those who belong to the society, join a society for the suppression of some other pernicious habit, for instance, the use of tobacco, and violate the principles of the constitution, I think he gives people strong reasons to suspect he is not true to his trust in other respects.

When I see men go round and lecture the retailers in a village, who sell spirit (on account of a person's having a drunken fit in the street) and say nothing to the lapholder in the same village, an attendant of their church, who is more culpable, because he sells on the Sabbath to those who drink to intoxication, I think of course, they are partialists.

When I see a member of a Ladies Temperance Society, violate her pledge I think she had better read a description of the drunkard's home.

When I see a young man the son of a Parson, refuses to go to a temperance meeting, where an address is to be delivered by a Universalist, because he fears infidelity will be encouraged, I think as the old cock crows, the young ones learn, that the Parson has taught him the false idea that Universalists are infidels, and that he fears they will tincture their addresses with their religious sentiments, as do the orthodox. Such sectarian bigots are unwilling that the cause of temperance should prosper, unless under the influence of their own sect. And they are more injurious to the cause of genuine temperance than open opposers. The same may be said of wine bibbers.

ANECDOTE.

About a dozen years ago their lived in Massachusetts a poor widow whose

only remaining child was a son. He had just reached the age of 18, when he was warned to train in the militia. Now Jonathan was a good boy, and as like his daddy as two peas, in every respect save one, his father had arrived at the dignity of 4th corporal, and was very fond of military exercise. But poor Jonathan could not be brought to fire a gun, nor he, he hated the very sight on't. But on the eventful day of which we speak, by the force of ridicule, entreaty and command, his mother wrought upon him to promise to do his duty like a man. So he sallied forth like a young Mars, bent on schemes of war. He arrived in due time, marched and counter-marched nobly, and at length came to the order to handle cartridge, when our hero began to quake, and when fairly loaded and primed his courage, like Bob Acres, had completely oozed. When the others fired he shut his eyes, but dared not pull the trigger. The command to load was soon repeated which he obeyed, but again refused to fire; and in this way he proceeded until his gun contained six cartridges, when the company was dismissed. Elated with having 'trained uninjured,' he arrived at home, where he was instantly accosted by his anxious mother with, 'Well Jonathan, did you fire the old gun?' 'No, ma'ma, I loaded it but darsn't shoot it.' The old dame, indignant at the unmanly cowardice of her son, seized the musket, and brought it to a shoulder, pointed to the fire place and was about to discharge it. Jonathan fearing the result had just time to skulk behind an open door when the gun was shattered into a thousand pieces, and the intrepid old woman thrown violently against the opposite wall of the house while Jonathan peeping from behind his screen, vociferated—"stick to her moth-

er! But the others stood.
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No thorn was lurking by;

How could we leave our happy bowers
To lay us down and die?

'Tis better far that clouds rush on
And blacken all our sky;

Our hope is placed on Heaven alone,

And thus we learn to die!

DESULTORIOUS.

From the Christian Pilot.

MORE THINKING.

On one occasion during Captain Ross's detention in the northern regions they fired a ball of frozen mercury through an inch plank; and on another they froze oil of almond in a shot mould at minus 40 degrees, and fired it against a target which it split, rebounding unbroke-

n.

The benefits of the Institution are not limited to any section, but are offered to the public generally. As no loans are to be made by this Institution on personal security, it is plain that this affords a safer investment for the depositors than lending to individuals.

Monies may be deposited for the benefit of minors, and if so ordered at the time, cannot be withdrawn until they become of age.

Those who do not choose to take their interest from time to time will have it added to their principal or sum put in, and shall be put upon interest after three months; thus they will get compound interest.

The Treasurer, by the Act of incorporation is required to "give bond in such sum and with such securities as the corporation shall think suitable."

The officers are

ROBERT H. GARDINER, PRESIDENT.

TRUSTEES,

Peter Grant, Esq., Alfred G. Lithgow, Esq.,

Edward Swan, Esq., Mr. Henry B. Hoskins,

Arthur Berry, Esq., Capt. Enoch Jewett,

Capt. Richard Clay, Mr. Dennis Ryan,

Geo. W. Bachelder, Esq., ANSLEY CLARK, Treasurer,

H. B. HOSKINS, Secretary.

Gardiner, July 3, 1834.

COPARTNERSHIP FORMED.

W. M. PALMER and H. G. O. WASHBURN have this day formed a connection in the Book selling and Book-binding business, under the firm of PALMER & WASHBURN.

Gardiner, Aug. 17, 1835. 34

PALMERS & WASHBURN.

HAVE for sale at the Gardiner Bookstore, opposite Sager's Hotel, a large assortment of School, Classical, Theological, Historical, Juvenile, Sabbath School and Blank books: also, a great variety of Stationary and Fancy articles, all of which will be sold at the lowest prices.

Book-binding executed with neatness and at short notice. Blank books ruled and bound to pattern.

E. HUTCHINS & CO'S

NEWLY IMPROVED

INDELLIBLE INK.

E. H. & Co. have, by means of their new chemical mordant, been enabled to offer the public a very superior article of durable Ink, in boxes only one sixth the usual size, yet containing the same quantity.

The prominent qualities of this Ink are, that it is black at the moment of writing, and after having been exposed to the sun for a few hours, will become a beautiful jet-black, and may be relied on as indeleble.

The proprietors flatter themselves, that its superior blackness, durability and convenience, will recommend it as highly to the public generally, as its extreme porosity does to travellers.

Be sure that each box is accompanied with the fac-simile of E. Hutchins & Co.

The true article is prepared by them only, at No.

110, Market Street, Baltimore, (opposite.)

For Sale by B. SHAW & CO., Ag'ts, Gardiner.

Gardiner, Jan. 13, 1835. 3

R U N Y A N T H Y,

FROM the subscriber on the 27th inst. an Indented Apprentice, by the name of

ICHABOD PINKHAM. This is to forbid all persons from harboring or trusting him on my account, as I shall pay no debts of his contracting after this date. Whoever will return said boy, shall receive one CENT reward and no charges paid.

JOHN STEVENS, Pittston, Oct. 30, 1835. SW. 41

MARBLE! MARBLE!

THE subscriber has received on consignment a good assortment of MARBLE CHIMNEY PIECES. Those who are in want of them will do well to call and examine for themselves, as the article and price cannot fail to suit.

JOEL CLARK Jr., Hallowell, August 6. 29

SILK HATS,

MANUFACTURED and for sale at J. HOOPER'S Store in Water Street.

J. H. would respectfully inform his customers and the public generally, that he continues to carry on the SILK HAT making business, and will be able to furnish as good and handsome an article of this kind as reasonable terms can be obtained in any other store. Particular hats made to order at very short notice. Hats ordered in the morning will be made and ready in the evening; therefore he would respectfully solicit all persons who wish for a handsome and durable hat to call and examine before they purchase elsewhere.

Also, a small, a large and handsome assortment of FUR HATS, both black and dark of his own manufacture. Also, New York and Boston Hats of all the fashionable style.

October 20, 1835.

D. LANE, and others. 42

SPLENDID INNUITLS FOR 1836.

THE Token and Atlantic Souvenir. The Gift edited by Miss Leslie, just received and for sale at the Gardiner Book Store by

PALMER & WASHBURN.

Augusta, April, 1835. 35

88.

CHRISTIAN INTELLIGENCER.

CHRISTIAN INTELLIGENCER.